

United States District Court

for the
Eastern District of Missouri

United States of America
v.

Courtney Smith

Case No: 4:04CR359

USM No: 31022-044

Date of Previous Judgment: 12/14/04

(Use Date of Last Amended Judgment if Applicable)

Michael Dwyer

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the Term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain): _____

III. ADDITIONAL COMMENTS

Defendant is not entitled to a reduction in sentence pursuant to 18 USC Section 3582(c)(2) because he was sentenced as a career offender.

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED

Order Date: 8/27/08


Judge's Signature

Effective Date: _____
(if different from order date)

Jean C. Hamilton, U.S. District Judge
Printed Name and title